

Ann Davison
LAW Property Destruction Amendments ORD
D3

CITY OF SEATTLE
ORDINANCE 126778
COUNCIL BILL 120521

AN ORDINANCE relating to the City's criminal code; amending elements and defenses of property destruction; and amending Section 12A.08.020 of the Seattle Municipal Code.

WHEREAS, graffiti remains a significant public nuisance that the City devotes millions of taxpayer dollars to combat, including the Clean City Initiative; and

WHEREAS, amending SMC 12A.08.020 to more closely align with RCW 9A.48.090 furthers the City's efforts to combat the negative effects of graffiti on the public health, safety, and welfare. Now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.08.020 of the Seattle Municipal Code, last amended by Ordinance 123191, is amended as follows:

12A.08.020 Property destruction

A. A person is guilty of property destruction if ~~((he or she))~~ the person intentionally:

1. ~~((Intentionally damages))~~ Damages the property of another; or

2. Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property.

B. 1. It is an affirmative defense to property destruction under subsection 12A.08.020.A.1 that the actor reasonably believed that he had a lawful right to damage such property.

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1 ~~((2. It is an affirmative defense to property destruction under subsection 12A.08.020.A.2~~
2 ~~that the actor had obtained express permission of the owner or operator of the building, structure,~~
3 ~~or property.))~~

4 C. Property destruction is a gross misdemeanor.

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Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of March, 2023,
and signed by me in open session in authentication of its passage this 14th day of
March, 2023.

Debara J. J. J.

President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 14th day of March, 2023.

Bruce A. Harrell

Bruce A. Harrell, Mayor

Filed by me this 14th day of March, 2023.

Ann Adkisson

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

State of Washington,
County of King

I, Emilia M. Sanchez, certify that this is a true and correct
copy of Ordinance 126778, on file in the records
of the City of Seattle. Office of the City Clerk



Signed by: Emilia M. Sanchez
Signature: Emilia M. Sanchez
Title: Deputy City Clerk
Date: 3/15/23